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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,501	01/16/2004	Tomomi Takata	CFA00028US	7675

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER

CHIN, RICKY

ART UNIT	PAPER NUMBER
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4157

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,501

Applicant(s)

TAKATA ET AL.

Examiner

Ricky Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 12 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Although the control program is capable of being executed by a computer, by itself is merely a computer listing or data structure per se and not statutory because it is not capable of causing functional change in the computer. See MPEP 2106.01(I)."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

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4. Claims (1-2, 6,11) rejected under 35 U.S.C. 102(e) as being anticipated by Hua et al, US 7,127,120.

Regarding claim 1, Hua discloses a data metadata extraction module, content selection module, and fusion module (See Fig 2, 208, 216 and 218). An information processing method for editing input data, comprising: an obtaining step of obtaining metadata of the data (See col. 2, lines 52-56 which discloses that metadata features are extracted); a selecting step of selecting a transition clip used for adding a transition effect to the data based on the metadata (See col. 16 lines 17-24 which discloses that transition between two sub-shots is determined based on similarity); and a processing step of adding a transition effect to the data by using the transition clip (See col. 16 lines 17-21 which discloses that sub-shots are fused together).

Regarding claim 2, an information processing method according to claim 1, wherein the selecting step comprises: an extracting step of extracting a plurality of potential transition clips suitable for adding a transition effect to the data from among transition clips stored in advance (See col. 16 lines 20-54); and a determining step of determining an optimal transition clip from among the plurality of extracted potential transition clips (See col. 16 lines 20-54).

Regarding claim 6, An information processing method according to claim 1, wherein the selecting step comprises: an extracting step of extracting transition clips which are unsuitable for adding a transition effect to the data from

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among transition clips stored in advance; and a determining step of determining an optimal transition clip using the extracted unsuitable transition clips.

Hua discloses that the type of transition between the sub-shots is determined based on the similarity of these two shots. This implies that relationships between the sub-shots are known. Determining what is a 'suitable' or 'unsuitable' transition effect is dependent on the user. A transition effect deemed 'suitable' for one person may not be considered 'suitable' for another person. Therefore, any transition effect added would be 'unsuitable' and/or 'suitable' depending on the user. Hua also goes on to describe a method of determining an optimal transition clip from one stored in advance (col 16 lines 37-55).

Regarding claim 11, An information processor for editing input data, comprising: obtaining means for obtaining metadata of the data; selecting means for selecting a transition clip used for adding a transition effect to the data based on the metadata; and processing means for adding a transition effect to the data by using the transition clip. (See Fig. 2, which discloses a metadata extraction module, content selection module, and an alignment and fusion module).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim (3-5,7-10) rejected under 35 U.S.C. 103(a) as being unpatentable over Hua et al, US 7,127,120 in view of Moore et al, US 7,102,643.

Regarding claim 3, an information processing method according to claim 2, wherein the extracting step comprises a step of extracting a plurality of potential transition clips associated with event information of metadata included in two scenes sandwiching a position for a transition clip among all scenes in the data.

Hua teaches an extraction module (see fig. 2, 208) that compares metadata included in two scenes and an alignment and fusion module (see fig. 2, 218) that fuses sub-shots with different transitions based on similarity. (see col.16 lines 17-45). The metadata can include event information of the two sub-shots (col 7, lines 1-30). Hua does not explicitly state is which two sub-shots are being compared. However, Moore illustrates the concept of providing a plurality of transition effects that could be executed between any two display states. (See col. 8 lines 3-37) Therefore, the combination of the teachings that Hua and Moore illustrate would have rendered the above claim obvious to one of ordinary skill in the art.

Regarding claim 4, an information processing method according to claim 2, wherein the extracting step comprises a step of extracting a plurality of potential transition clips corresponding to a transition effect associated with the correlation between event information and object information of metadata included in two scenes sandwiching a position for a transition clip among all scenes in the data.

Because metadata can include event information and object information, similarities or correlations between them may therefore be obtained. (See col. 16 lines 17-45 of Hua) Therefore, the combined teachings are Hua and Moore would have rendered the above claim obvious to one of ordinary skill in the art.

Regarding claim 5, an information processing method according to claim 2, wherein the determining step comprises: a step of displaying the plurality of extracted potential transition clips; and a step of specifying an arbitrary transition clip from among the displayed potential transition clips, whereby the specified transition clip is determined as an optimal transition clip.

Hua teaches of a specified transition clip that is determined as an optimal transition clip (col 16 lines 37-55). Hua does not explicitly teach is the displaying of transition clips. Moore, on the other hand clearly illustrates an option for being able to display and preview transition clips. (See Fig 9(b) and col 10 lines 35-55). Therefore, the combined teachings of Hua and Moore would have rendered the above claim obvious to one of ordinary skill in the art.

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Regarding claim 7, An information processing method according to claim 6, wherein the extracting step comprises a step of extracting a plurality of unsuitable transition clips associated with event information of metadata included in two scenes sandwiching a position for a transition clip among all scenes in the data.

See claim 6. Hua also goes on to describe a method of determining an optimal transition clip from one stored in advance (col 16 lines 37-55). Hua does not explicitly state is which two sub-shots are being compared. However, Moore illustrates the concept of providing a plurality of transition effects that could be executed between any two display states. (See col. 8 lines 3-37) Therefore, the combination of the teachings that Hua and Moore illustrate would have rendered the above claim obvious to one of ordinary skill in the art.

Regarding claim 8, An information processing method according to claim 6, wherein the extracting step comprises a step of extracting a plurality of unsuitable transition clips corresponding to a transition effect associated with the correlation between event information and object information of metadata included in two scenes sandwiching a position for a transition clip among all scenes in the data.

See Claim 6 and 7. Because metadata can include event information and object information, similarities or correlations between them may therefore be obtained. (See col. 16 lines 17-45 of Hua) Therefore, the combined teachings are

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Hua and Moore would have rendered the above claim obvious to one of ordinary skill in the art.

Regarding claim 9, An information processing method according to claim 6, wherein the determining step comprises: a step of displaying a plurality of potential transition clips; a step of specifying an arbitrary transition clip from among the displayed potential transition clips (col 16 lines 37-55); and a step of displaying an error message when the specified transition clip is an unsuitable transition clip extracted in the extracting step.

See claim 6. Hua does not explicitly teach is the displaying of potential transition clips. Moore, on the other hand clearly illustrates an option for being able to display and preview transition clips. (See Fig 9(b) and col 10 lines 35-55). Official notice is also taken in that error message displaying is well known in the art. Therefore, the combined teachings of Hua and Moore would have rendered the above claim obvious to one of ordinary skill in the art.

Regarding claim 10, An information processing method according to claim 1, wherein the selecting step comprises: a step of calculating suitability of each transition clip for frames to be edited in the data; a step of displaying the transition clips in decreasing order of suitability; and a step of specifying an arbitrary transition clip from among the displayed transition clips. (col 16 lines 37-55 of Hua).

Determining what a 'suitable' or 'unsuitable' transition effect is dependent on the user. A transition effect deemed 'suitable' for one person may not be considered 'suitable' for another person. Therefore, any transition effect added would be 'unsuitable' and/or 'suitable' depending on the user. Thus, determining a transition clip based on similarity as Hua discloses can be deemed as calculating 'suitability'. Moore illustrates an option for being able to display and preview transition clips. (See Fig 9(b) and col 10 lines 35-55). In this case, any order of display could be regarded as decreasing order of 'suitability' since there is no way to differentiate any 'order'. Therefore, the combined teachings of Hua and Moore would have rendered the above claim obvious to one of ordinary skill in the art.

Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 571-272-7332. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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SUPERVISORY PATENT EXAMINER